

**REMARKS**

Entry and consideration of this Amendment is respectfully requested.

**Summary of Substance of Interview**

Applicant thanks the Examiner for the courteous and productive telephonic interview conducted on April 7, 2010. During interview, the reasons for the Notice of Non-Compliant Amendment were discussed.

The Examiner stated that the second "wherein" clause of amended claim 1 caused the amended claims to be directed to the non-elected invention of Group II identified in the Restriction Requirement dated March 17, 2009. The Examiner also stated that the claims may be corrected by amending the second "wherein" clause of claim 1 to recite only "wherein the recorded mark of the two-dimensional recording layer includes information for a servo control."

Applicant has amended claim 1 as agreed upon with the Examiner.

**Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned Attorney at the telephone number listed below.

Response to Notice of Non-Compliant Amendment  
Under 37 C.F.R. § 1.121  
Application No.: 10/594,945

Attorney Docket No.: Q97149

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "F. G. Plati, Sr.", is written over a horizontal line. The signature is stylized with loops and flourishes.

Francis G. Plati, Sr.  
Registration No. 59,153

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**23373**

CUSTOMER NUMBER

Date: April 27, 2010